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ENERGY CORPORATION OF AMERICA

6 [Name and Address of Additional  
7 Counsel Listed on Signature Page]

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 RUSSIAN HILL CAPITAL, L.P.,

13 Plaintiff,

14 vs.

15 ENERGY CORPORATION OF AMERICA  
and DOES 1-10,

16 Defendants.  
17

Case No. 3:15-cv-02554-HSG

**STIPULATION AND ORDER  
SETTING BRIEFING SCHEDULE ON  
DEFENDANT'S MOTION TO  
DISMISS**

Civil L. R. 7-3

Before the Hon. Haywood S. Gilliam, Jr.

18  
19 **RECITALS**

20 WHEREAS, Plaintiff Russian Hill Capital, L.P. ("Russian Hill") commenced this action  
21 by filing its Complaint For: (1) Fraud [and] (2) Misrepresentation of Facts Cal Corp Code §  
22 25501(the "Complaint") on May 5, 2014 in the Superior Court of the State of California, County  
23 of San Francisco;

24 WHEREAS, Russian Hill served the Complaint on Defendant Energy Corporation of  
25 America ("ECA") on May 14, 2015;

26 WHEREAS, ECA removed the action to this Court on June 9, 2015, with ECA's filing of  
27 its Notice of Removal;

28 WHEREAS, on June 16, 2015, ECA filed a Motion to Dismiss the Complaint (the

1 “Motion”);

2 WHEREAS, at the time ECA filed the Motion, the first date available on the Court’s  
3 calendar for a hearing was August 13, 2015; and, after consultation with counsel to Russian Hill,  
4 the Motion was noticed for hearing on the Court’s regular law and motion calendar for August 13,  
5 2015; and

6 WHEREAS, the parties wish to modify the briefing schedule normally provided for in  
7 Civil L. R. 7-3, on terms that will both accommodate certain commitments of counsel on other  
8 matters and still afford the Court 21 days of preparation time before the hearing date;

9 THEREFORE, subject to the Court’s approval, the parties agree as follows:

10 **STIPULATION**

- 11 1. Russian Hill shall file any papers in opposition to the Motion on or before July 13,  
12 2015.
- 13 2. ECA shall file any reply papers on or before July 23, 2015.

14 Dated: June 18, 2015

VINSON & ELKINS LLP

15 By: /s/ Michael L. Charlson  
16 Michael L. Charlson

17 Attorneys for Defendant  
18 ENERGY CORPORATION OF AMERICA

19 KAUFHOLD GASKIN LLP  
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26 Steven S. Kaufhold

27 Attorneys for Plaintiff  
28 RUSSIAN HILL CAPITAL, LP

**ORDER**

Pursuant to stipulation of the parties and good causing appearing, briefing on Defendant Energy Corporation of America's Motion to Dismiss, filed June 16, 2015, shall be as follows:

1. Any opposition papers shall be filed on or before July 13, 2015.
2. Any reply papers shall be filed on or before July 23, 2015.

Subject to any further order of the Court, the hearing on the motion to dismiss will be held as part of the Court's regular law and motion calendar on August 13, 2015.

SO ORDERED.

Dated: June 18, 2015

  
United States District Judge

**ATTESTATION OF ELECTRONIC FILING**

I, Michael L. Charlson, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order Setting Briefing Schedule of Defendant's Motion to Dismiss. I hereby attest that counsel whose e-signatures appear above have concurred with this filing.

VINSON & ELKINS LLP

By: /s/ Michael L. Charlson  
Michael L. Charlson

Attorneys for Defendant  
ENERGY CORPORATION OF AMERICA

**CERTIFICATE OF SERVICE**

The undersigned certifies that on June 18, 2015, a true and correct copy of the foregoing instrument was served upon counsel of record, in accordance with the Federal Rules of Civil Procedure and Civil L.R. 5-1.

VINSON & ELKINS LLP

By: /s/ Michael L. Charlson  
Michael L. Charlson

Attorneys for Defendant  
ENERGY CORPORATION OF AMERICA